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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 08-00088-JW
18 Plaintiff,) STIPULATION AND [PROPOSED]
19 v.) ORDER EXCLUDING TIME FROM
20 DAVID LOUIS BEHAR,) APRIL 21, 2008 TO APRIL 29, 2008
21 LINDSAY ROBIN HOGUE,) FROM THE SPEEDY TRIAL ACT
22 TARA BERGSTRAND, and) CALCULATION (18 U.S.C. §
23 JOHN ROGER LAGACE,) 3161(h)(8)(A))
24 a/k/a Brandon Draper,)
25 Defendants.)
26 _____)

27 On April 21, 2008, the parties are scheduled to appear for a hearing before this Court.

28 The government and all defendants request a short continuance of that hearing to allow defense
29 counsels an opportunity to meet with their respective clients, review a proposed disposition, and
30 properly advise their clients. The parties also request an exclusion of time under the Speedy
31 Trial Act based upon the defense counsel's need to effectively prepare by reviewing materials
32 submitted by the government and properly advise their clients. The parties request that the Court
33 set the matter for a hearing on April 29, 2008 at 3:00 P.M.

1 The parties stipulate that the time between April 21, 2008 and April 29, 2008 is excluded
2 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
3 continuance would unreasonably deny defense counsel reasonable time necessary for effective
4 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
5 ends of justice served by granting the requested continuance outweigh the best interest of the
6 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
7 U.S.C. §3161(h)(8)(A).

8

9 DATED: April 18, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

11 _____
12 /s/
13 JEFFREY B. SCHENK
14 _____
15 /s/
16 PETER LEEMING
17 _____
18 /s/
19 GEOFFREY BRAUN
20 _____
21 /s/
22 MANUEL ARAUJO
23 _____
24 /s/
25 JERRY FONG
26 _____
27 Attorney for Mr. Behar
28 Attorney for Ms. Hogue
29 Attorney for Ms. Bergstrand
30 Attorney for Mr. Lagace

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing currently scheduled for April 21, 2008 should be continued until April 29, 2008 at 3:00 P.M. Furthermore, the Court HEREBY ORDERS that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JAMES WARE
UNITED STATES DISTRICT JUDGE